

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KRISTINA GERSZTEN,

Plaintiff(s),

08cv1280

**ELECTRONICALLY FILED**

v.

UNIVERSITY OF PITTSBURGH CANCER  
INSTITUTE CANCER CENTERS,

Defendant(s).

**Order of Court Re: Motions in Limine**

And now, this 17<sup>th</sup> day of September, IT IS HEREBY ORDERED as follows:

(1) Plaintiff's Motion to Preclude Evidence of the Equal Employment Opportunity Commission Investigator's Opinion (doc. no. 45) is GRANTED, with consent (see doc. no. 97).

(2) Plaintiff's Motion to Exclude Evidence of Negotiations of or Circumstances Surrounding Plaintiff's Prior Employment Contract (doc. no. 47) is DENIED.

(3) Plaintiff's Motion to Exclude Evidence of Underlying Merit of Dr. Gerszten's Retaliation Claim (doc. no. 49) is GRANTED.

(4) Plaintiff's Motion to Preclude Evidence of Unemployment Compensation Benefits (doc. no. 51) is GRANTED, with consent (see doc. no. 96).

(5) Plaintiff's Motion to Exclude Evidence of Lost Wages or Mitigation to the Jury Because Those Damages are Equitable and are Decided by the Court (doc. no. 53) is DENIED. To the extent the Jury decides any "Court-matter," the jury verdict will be advisory.

(6) Defendant's Motion in Limine to Exclude Irrelevant and Improper Gossip Regarding Male Physicians (doc. no. 55) is DENIED.

(7) Defendant's Motion in Limine to Exclude Testimony or Evidence of Recent Census at St. Margaret/Natrona Heights (doc. no. 57) is DENIED.

(8) Defendant's Motion in Limine to Exclude Testimony or Evidence Suggesting an Improper Relationship between Cancer Centers and D3 Radiation Planning (doc. no. 59) is DENIED.

(9) Defendant's Motion in Limine to Exclude Certain Testimony of Toni Zandrea (doc. no. 61) is GRANTED IN PART and DENIED IN PART. Plaintiff may not offer Ms. Zandrea's testimony regarding the reasons surrounding Ms. Zandrea's alleged demotion.

(10) Defendant's Motion in Limine to Exclude Evidence of Alleged Stray Remark by Dr. Shalom Kalnicki (doc. no. 63) is DENIED.

(11) Defendant's Motion in Limine to Exclude Evidence or Argument Regarding Dr. Mubina Quadar (doc. no. 65) is DENIED.

(12) Defendant's Motion in Limine to Exclude Evidence of Settlement Discussions (doc. no. 67) is GRANTED, without objection (see doc. no. 79).

IT IS FURTHER ORDERED that the parties shall file supplemental exhibit lists reflecting the above rulings on the motions in limine by September 30, 2009.

SO ORDERED this 17th day of September, 2009.

s/Arthur J. Schwab

Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties